

Thursday, April 27, 1995

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S5739-S5856

Measures Introduced: Eleven bills and one resolution were introduced, as follows: S. 727-737, and S. Res. 112.

Page S5805

Measures Reported: Reports were made as follows:

S. 225, to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii. (S. Rept. No. 104-70)

S. 359, to provide for the extension of certain hydroelectric projects located in the State of West Virginia, with amendments. (S. Rept. No. 104-71)

S. 421, to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Kentucky. (S. Rept. No. 104-72)

S. 461, to authorize extension of time limitation for a FERC-issued hydroelectric license. (S. Rept. No. 104-73)

S. 522, to provide for a limited exemption to the hydroelectric licensing provisions of part I of the Federal Power Act for certain transmission facilities associated with the El Vado Hydroelectric Project in New Mexico. (S. Rept. No. 104-74)

S. 538, to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon. (S. Rept. No. 104-75)

S. 549, to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas. (S. Rept. No. 104-76)

S. 737, to extend the deadlines applicable to certain hydroelectric projects. (S. Rept. No. 104-77)

S. 395, to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, with amendments. (S. Rept. No. 104-78)

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Measures Passed:

Retirement of Enrolling Clerk: Senate agreed to S. Res. 112, commending the Senate Enrolling Clerk upon his retirement.

Page S5803

Colorado River Basin Salinity Control Act: Senate passed S. 523, to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Pages S5803-04

Kyl (for Domenici) Amendment No. 610, to make a technical correction.

Page S5804

Chaco Culture Archeological Protection Sites: Senate passed H.R. 517, to amend title V of Public Law 96-550, designating the Chaco Culture Archeological Protection Sites, clearing the measure for the President.

Page S5804

Product Liability Fairness Act: Senate continued consideration of H.R. 956, to establish legal standards and procedures for product liability litigation, taking action on amendments proposed thereto, as follows:

Pages S5751-S5802

Pending:

(1) Gorton Amendment No. 596, in the nature of a substitute.

Page S5751

(2) McConnell Amendment No. 603 (to Amendment No. 596), to reform the health care liability system and improve health care quality through the establishment of quality assurance programs.

Pages S5755, S5795-98

(3) Thomas Amendment No. 604 (to Amendment No. 603), to provide for the consideration of health care liability claims relating to certain obstetric services.

Pages S5755-93

(4) Wellstone Amendment No. 605 (to Amendment No. 603), to revise provisions regarding reports on medical malpractice data and access to certain information.

Pages S5793-95

(5) Snowe Amendment No. 608 (to Amendment No. 603), to limit the amount of punitive damages that may be awarded in a health care liability action.

Pages S5800-02

(6) Kyl Amendment No. 609 (to Amendment No. 603), to provide for full compensation for non-economic losses in civil actions.

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A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto.

Pages S5798–99

Senate will continue consideration of the bill on Monday, May 1, 1995.

Nominations Received: Senate received the following nominations:

George H. King, of California, to be United States District Judge for the Central District of California.

Donald C. Nugent, of Ohio, to be United States District Judge for the Northern District of Ohio.

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Communications:

Pages S5804–05

Statements on Introduced Bills:

Pages S5805–43

Additional Cosponsors:

Page S5843

Amendments Submitted:

Pages S5843–51

Notices of Hearings:

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Authority for Committees:

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Additional Statements:

Page S5851

Adjournment: Senate convened at 9:30 a.m., adjourned at 8:14 p.m., until 11 a.m., on Monday, May 1, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S5856.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—FOSSIL ENERGY/CLEAN COAL TECHNOLOGY/SPR/NPR

Committee on Appropriations: Subcommittee on Interior (and Related Agencies) held hearings on proposed budget estimates for fiscal year 1996 for fossil energy and clean coal technology programs, the Strategic Petroleum Reserve, and the Naval Petroleum Reserve, receiving testimony from Patricia Fry Godley, Assistant Secretary of Energy for Fossil Energy.

Subcommittee will meet again on Tuesday, May 2.

ARMED SERVICES READINESS

Committee on Armed Services: Subcommittee on Readiness held hearings to examine the near- and long-term readiness of the Armed Forces as it relates to the future years defense plan, receiving testimony from Gen. Gordon R. Sullivan, USA, Chief of Staff, United States Army; Adm. Jeremy M. Boorda, USN, Chief of Naval Operations, United States Navy; Gen. Ronald R. Fogleman, USAF, Chief of Staff, United States Air Force; and Gen. Carl E. Mundy, Jr.,

USMC, Commandant of the Marine Corps, United States Marine Corps.

Subcommittee recessed subject to call.

HUD REORGANIZATION

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing Opportunity and Community Development resumed hearings on proposals to reorganize the Department of Housing and Urban Development (HUD), focusing on housing and community development policy, receiving testimony from Mayor Steve Bartlett, Dallas, Texas; Richard C. Gentry, Richmond Redevelopment and Housing Authority, Richmond, Virginia; Audley Evans, Tampa Housing Authority, Tampa, Florida; Willie F. Carter, Hunter's View Resident Management Corporation, San Francisco, California; Shirley Dykshoorn, North Dakota Office of Intergovernmental Assistance, Bismarck, on behalf of the Council of State Community Development Agencies; James L. Logue III, Michigan State Housing Development Authority, Lansing, on behalf of the National Council of State Housing Agencies; William R. Frey, Enterprise Foundation, New York, New York; and Danette Jones, Madison Park Community Development Corporation, Boston, Massachusetts, on behalf of the National Congress for Community Economic Development.

Subcommittee recessed subject to call.

SUBCOMMITTEE MEMBERSHIP

Committee on Energy and Natural Resources: Committee met and approved the following new subcommittee assignments:

Subcommittee on Energy Production and Regulation: Senators Nickles (Chairman), Jeffords (Vice Chairman), Hatfield, Burns, Bingaman, Ford, and Akaka.

Subcommittee on Energy Research and Development: Senators Domenici (Chairman), Craig (Vice Chairman), Kyl, Grams, Ford, Wellstone, and Heflin.

Subcommittee on Forests and Public Land Management: Senators Craig (Chairman), Kyl (Vice Chairman), Hatfield, Domenici, Campbell, Thomas, Bradley, Bumpers, Bingaman, and Dorgan.

Subcommittee on Parks, Historic Preservation, and Recreation: Senators Campbell (Chairman), Grams (Vice Chairman), Nickles, Thomas, Jeffords, Bumpers, Bradley, Wellstone, and Heflin.

Subcommittee on Oversight and Investigations: Senators Thomas (Chairman), Burns (Vice Chairman), Domenici, Craig, Campbell, and Akaka.

ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENTS

Committee on Energy and Natural Resources: Committee concluded hearings on S. 537 and H.R. 402, bills to

make certain technical corrections to the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act to provide for the conveyance of certain lands within Alaska and to resolve certain other issues, after receiving testimony from Deborah Williams, Special Assistant to the Secretary of the Interior for Alaska; and Nelson Angapak, Alaska Federation of Natives, Anchorage.

SUPERFUND REFORM

Committee on Environment and Public Works: Subcommittee on Superfund, Waste Control, and Risk Assessment resumed oversight hearings on the implementation of the Comprehensive Environmental Response, Compensation, and Liability Act (P.L. 102-426), receiving testimony from Lois J. Schiffer, Assistant Attorney General, Environment and Natural Resources Division, Department of Justice; Jan Paul Acton, Assistant Director, Natural Resources and Commerce Division, Congressional Budget Office; New Jersey Deputy Attorney General R. Brian McLaughlin, Trenton, on behalf of the National Association of Attorneys General; Robert N. Burt, FMC Corporation, Chicago, Illinois, on behalf of the Business Roundtable; Richard D. Smith, Chubb Corporation, Warren, New Jersey; Kelvin Herstad, United Truck Body, Inc., Duluth, Minnesota, on behalf of the National Federation of Independent Businesses; Barbara Price, Phillips Petroleum, Bartlesville, Oklahoma, on behalf of the American Petroleum Institute; Mary P. Morningstar, Lockheed Martin Corporation, Bedford, Massachusetts, on behalf of the Electronics Industry Association; Richard F. Leavitt, Chelsea Clock Company, Chelsea, Massachusetts, on behalf of Superfund Reform '95; Boyd Condie, Alhambra, California, on behalf of the American Communities for Cleanup Equity; Peter B. Prestley, Simpson, Thatcher & Bartlett, New York, New York, on behalf of the American Bar Association; Anne Pendegrass Hill, First Interstate Bank, Portland, Oregon, on behalf of the American Bankers Association; and Joe J. Palacios, Hutchinson, Kansas.

Hearings continue on Thursday, May 4.

WELFARE REFORM

Committee on Finance: Committee concluded hearings on proposals to reform the national welfare system, including S. 599, S. 707 and H.R. 4, after receiving testimony from Senators Brown, Conrad, Faircloth, Harkin, Kassebaum, and Santorum; Charles A. Murray, American Enterprise Institute for Public Policy Research, Washington, D.C.; and Richard P. Nathan, State University of New York, Albany.

NATO'S FUTURE

Committee on Foreign Relations: Subcommittee on European Affairs held hearings to examine the future of NATO, focusing on United States interests in Europe and potential threats to those interests, receiving testimony from Robert B. Zoellick, Executive Vice President of General Counsel, Federal National Mortgage Association (Fannie Mae); Fred C. Ikle, Center for Strategic and International Studies, and Lt. Gen. William Odom, USA (Ret.), Hudson Institute, both of Washington, D.C.; and Arnold Horelick, RAND Corporation, Santa Monica, California.

Hearings were recessed subject to call.

REGULATORY REFORM

Committee on the Judiciary: On Wednesday, April 26, committee ordered favorably reported S. 343, to reform the Federal regulatory process, with an amendment in the nature of a substitute.

TERRORISM IN THE UNITED STATES

Committee on the Judiciary: Committee held hearings to examine the nature and extent of the threat of terrorism in the United States, and proposed legislation to enhance and extend the penalties for terrorist acts, add the crime of conspiracy to certain terrorism offenses, increase the ability of the Federal Government to deport suspected terrorists, and add new restrictions on providing material support to terrorists, receiving testimony from Senators Dole, Nickles and Inhofe; Louis J. Freeh, Director, Federal Bureau of Investigation, and Jamie S. Gorelick, Deputy Attorney General, both of the Department of Justice; Ronald K. Noble, Under Secretary of the Treasury for Enforcement; Morris S. Dees, Jr., Southern Poverty Law Center, Montgomery, Alabama; Brian Jenkins, Kroll Associates, Los Angeles, California; Robert Kupperman, Center for Strategic and International Studies, and Steven Emerson, both of Washington, D.C.

Hearings were recessed subject to call.

VOCATIONAL EDUCATION

Committee on Labor and Human Resources: Subcommittee on Education, Arts and Humanities concluded hearings on proposed legislation authorizing funds for programs of the Carl D. Perkins Vocational and Applied Technology Act of 1990, focusing on the Federal and State role in the vocational education process, after receiving testimony from Augusta Kappner, Assistant Secretary for Vocational and Adult Education, and David Boesel, Director, National Assessment of Vocational Education, and Acting Director, National Institute on Postsecondary Education, Libraries, and Lifelong Learning, Office for Educational Research and Improvement, both of

the Department of Education; Rhode Island Commissioner of Education Peter McWalters, Providence, on behalf of the Council of Chief State School Officers; Phyllis Hudecki, National Center for Research in Vocational Education, Berkeley, California; Marcia Baker, Burlington Technical Center, Burlington,

Vermont; Susan Brown, Southern Maine Technical College, South Portland, on behalf of the Maine Youth Apprenticeship Program; David Mertes, California Community Colleges, Sacramento; and Roy Peters, Jr., Oklahoma Department of Vocational and Technical Education, Stillwater.

House of Representatives

The House was not in session today. Its next meeting will be held at 12:30 p.m. on Monday, May 1.

Committee Meetings

ADMINISTRATION'S DEFENSE BUDGET

Committee on the Budget: Held a hearing on the Administration's Defense Budget: Bottom Up or Belly Up? Testimony was heard from William J. Perry, Secretary of Defense; and Frank C. Conahan, Special Assistant to the Comptroller General, National Security and International Affairs Programs, GAO.

COMMITTEE MEETINGS FOR FRIDAY, APRIL 28, 1995

Senate

No committee meetings are scheduled.

House

No committee meetings are scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of May 1 through 6, 1995

Senate Chamber

On *Monday and Tuesday*, Senate will resume consideration of H.R. 956, Product Liability Fairness Act.

During *the balance of the week*, Senate expects to continue consideration of H.R. 956, Product Liability Fairness Act, and consider conference reports, when available, and any cleared legislative and executive business.

(Senate will recess on Tuesday, May 2, 1995, from 12:30 p.m. until 2:15 p.m., for respective party conferences.)

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: May 1 and 4, Subcommittee on Treasury, Postal Service, and General Government, Monday, to hold hearings on the Oklahoma City bombing, 2 p.m.; Thursday, to hold hearings on proposed budget estimates for fiscal year 1996 for the United States Postal Service and the Office of Management and Budget, 2 p.m.; Monday in SD-106 and Thursday in SD-138.

May 2, Subcommittee on Interior, to hold hearings on proposed budget estimates for fiscal year 1996 for the Forest Service of the Department of Agriculture, 9 a.m., SD-138.

May 2, Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on the ballistic missile program, 9:30 a.m., SD-192.

May 3, Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Agriculture, 10 a.m., SD-138.

May 4, Subcommittee on Transportation, to hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation, 10 a.m., SD-192.

May 4, Subcommittee on Foreign Operations, to hold hearings on proposed budget estimates for fiscal year 1996 for foreign assistance programs, 10:30 a.m., SD-138.

May 4 and 5, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings on proposed budget estimates for fiscal year 1996, Thursday, for the National Institutes of Health, Department of Health and Human Services, 2 p.m.; Friday, to hold hearings on issues of waste, fraud and abuse in the Medicare program, 9:30 a.m.; SD-192.

Committee on Armed Services: May 2, Subcommittee on Strategic Forces, to resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on space programs, and to review the Department of Defense's Space Management Initiative, 9:30 a.m., SR-222.

May 2, Full Committee, to hold hearings on the nominations of Gen. Dennis J. Reimer, USA, to be Chief of Staff of the Army, and for reappointment to the grade of

general, and Lt. Gen. Charles C. Krulak, USMC, to be Commandant of the Marine Corps, and for appointment to the grade of general, 3 p.m., SR-222.

May 3, Subcommittee on SeaPower, to hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on the Marine Corps modernization programs and current operations, 9 a.m., SR-232A.

Committee on Banking, Housing, and Urban Affairs: May 2 and 3, Financial Institutions and Regulatory Relief, to hold hearings to examine issues relating to regulatory burden, 10 a.m., SD-538.

Committee on Environment and Public Works: May 3, Subcommittee on Transportation and Infrastructure, business meeting, to mark up S. 440, to provide for the designation of the National Highway System, 10 a.m., SD-406.

May 4, Subcommittee on Superfund, Waste Control, and Risk Assessment, to resume oversight hearings on the implementation of the Comprehensive Environmental Response, Compensation, and Liability Act, 9 a.m., SD-406.

May 5, Subcommittee on Transportation and Infrastructure, to hold oversight hearings on General Services Administration activities on the U.S. Food and Drug Administration consolidation project, the proposed Federal Communications Commission lease consolidation, and the U.S. Patent Trademark Office consolidation, 9:30 a.m., SD-406.

Committee on Governmental Affairs: May 2 and 4, Permanent Subcommittee on Investigations, to hold hearings to review the Navy class oiler contract, 10 a.m., SD-342.

Committee on the Judiciary: May 2, Subcommittee on Administrative Oversight and the Courts, to hold hearings to examine the costs of the legal system, 9 a.m., SD-226.

May 3, Subcommittee on Antitrust, Business Rights, and Competition, to hold hearings to examine antitrust issues as contained in proposals to reform the telecommunications industry, 2:15 p.m., SD-G50.

May 4, Full Committee, to hold hearings on the nominations of Peter C. Economus, to be United States District Judge for the Northern District of Ohio, John Garvan Murtha, to be United States District Judge for the District of Vermont, Mary Beck Briscoe, of Kansas, to be United States Circuit Judge for the Tenth Circuit, and George A. O'Toole Jr., to be United States District Judge for the District of Massachusetts, 2 p.m., SD-226.

Committee on Labor and Human Resources: May 2, to hold hearings on the nomination of Henry W. Foster, Jr., of Tennessee, to be Medical Director in the Regular Corps of the Public Health Service, Department of Health and Human Services, 9:30 a.m., SH-216.

May 4, Full Committee, to hold hearings to examine primary health care services, focusing on access to care in a changing health care delivery system, 9 a.m., SD-430.

Committee on Indian Affairs: May 2, to hold oversight hearings on the implementation of the Tribal Self-Governance Demonstration Project Authorities by the Indian Health Service, 9:30 a.m., SR-485.

Select Committee on Intelligence: May 3, closed business meeting, to consider pending intelligence matters, 2 p.m., SH-219.

House Chamber

Legislative program will be announced later.

House Committees

Committee on Appropriations, May 2, Subcommittee on Commerce, Justice, State, and Judiciary, on Congressional and Public Witnesses, 10 a.m. and 2 p.m., H-309 Capitol.

May 2, Subcommittee on Defense, on Munitions Issues, 1:30 p.m., H-140 Capitol.

May 2 and 3, Subcommittee on VA, HUD and Independent Agencies, on Department of Housing and Urban Development, 10 a.m. and 1:30 p.m., 2360 Rayburn on May 2 and H-143 Capitol on May 3.

May 3, Subcommittee on Commerce, Justice, State, and Judiciary, on Legal Services Corporation, 10 a.m., 2360 Rayburn.

May 3, Subcommittee on Defense, on Navy/Marine Corps Acquisition, 10 a.m., H-140 Capitol.

Committee on Banking and Financial Services, May 2, Subcommittee on Domestic and International Monetary Policy, hearing on the Administration's plan for authorization of the fiscal year 1996 funding for the International Financial Institutions, 10 a.m., 2128 Rayburn.

May 3, Subcommittee on Domestic and International Monetary Policy, hearing on the proposed One Dollar Coin, 9:30 a.m., 311 Cannon.

May 3, Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises, hearing on H.R. 718, Markets and Trading Reorganization and Reform Act, 10 a.m., 2128 Rayburn.

Committee on the Budget, May 2, hearing on the Impact of Federal Regulation on State and Local Governments, 1 p.m., 210 Cannon.

Committee on Economic and Educational Opportunities, May 2, Subcommittee on Early Childhood, Youth and Families, hearing on Adult Education, 9:30 a.m., 2261 Rayburn.

May 2, Subcommittee on Employer-Employee Relations, hearing on Affirmative Action, 9:30 a.m., 2175 Rayburn.

May 3, Subcommittee on Postsecondary Education, Training and Life-Long Learning and the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs of the Committee on Government Reform and Oversight, joint hearing on Privatizing Government Sponsored Entities, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, May 2, Subcommittee on Government Management, Information, and Technology, hearing on the National Performance Review, 10 a.m., 311 Cannon.

May 2, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs and the Subcommittee on Rules and Organization of the House of the Committee on Rules, joint hearing on "Corrections Day Policy and Procedures," 9:30 a.m., 2154 Rayburn.

May 2, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, to continue hearings on H.R. 994, Regulatory Sunset and Review Act of 1995, Part 2, 2 p.m., 2154 Rayburn.

May 3, Subcommittee on Government Management, Information, and Technology, hearing on the Compliance with Public Law 100-440: The Adequacy of GSA's Staffing Levels of the Federal Protective Service, 10 a.m., 2154 Rayburn.

Committee on International Relations, May 2, Subcommittee on International Economic Policy and Trade, hearing on U.S. Sanctions on Iran: Next Steps, 1 p.m., 2200 Rayburn.

Committee on the Judiciary, May 3, Subcommittee on Courts and Intellectual Property, hearing on the following bills: H.R. 1443, Court Arbitration Authorization Act of 1995; H.R. 1445, to amend rule 30 of the Federal Rules of Civil Procedure to restore the stenographic preference for depositions; S. 464, to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts; and S. 532, to clarify the rules governing venue, 2 p.m., 2226 Rayburn.

May 3, Subcommittee on Crime, hearing on the issue of domestic terrorism, 9 a.m., 2237 Rayburn.

Committee on National Security, May 3, to continue hearings on the fiscal year 1996 national defense authorization request, 9:30 a.m., 2118 Rayburn.

Committee on Resources, May 3, to mark up H.R. 39, Fishery Conservation and Management Amendments of 1995, 11 a.m., 1324 Longworth.

Committee on Rules, May 1, to consider H.R. 655, Hydrogen Future Act of 1995, 5:30 p.m., H-313 Capitol.

Committee on Veterans' Affairs, May 3, Subcommittee on Education, Training, Employment and Housing, oversight hearing on the Veterans Vocational Rehabilitation and Counseling Service and the Veterans Employment and Training Service, 9 a.m., 340 Cannon.

Committee on Ways and Means, May 2, hearing on Medicare Hospital Insurance Trust Fund, 10 a.m., 1100 Longworth.

May 3, Subcommittee on Health, hearing on Physician Self-Referral, 9:30 a.m., 1100 Longworth.

Joint Meetings

Joint Economic Committee: May 5, to hold hearings to examine the employment-unemployment situation for April, 9:30 a.m., SD-106.

Commission on Security and Cooperation in Europe: May 1, to hold hearings to examine the crisis in Chechnya, 2 p.m., 2172 Rayburn Building.

Next Meeting of the SENATE

11 a.m., Monday, May 1

Senate Chamber

Program for Monday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 12 noon), Senate will resume consideration of H.R. 956, to establish legal standards and procedures for product liability litigation.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, May 1

House Chamber

Program for Monday: Legislative program will be announced later.



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